

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHNNY M. AUTRY, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,
BUREAU OF PRISONS, and JIMMY
HARDEN,

Defendant.

Case No. 08-cv-695-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the response of Plaintiff Johnny M. Autry, Jr. to the Court's Order to Show Cause why this case should not be dismissed for lack of personal jurisdiction over the sole remaining defendant, Jimmy Harden. In his response, Autry concedes that this Court does not have personal jurisdiction over Harden. He requests that in lieu of dismissing the action, the Court transfer it to the Eastern District of North Carolina, a district where the action could have been brought originally, and one which is able to exercise personal jurisdiction over the defendant.

Under § 1404(a), the Court may *sua sponte* transfer a civil action to any other district where the action might have been brought originally “[f]or the convenience of parties and witnesses, in the interest of justice.” 28 U.S.C. § 1404(a). The decision to transfer a case is left to the discretion of the district court. *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988); *Van Dusen v. Barrack*, 376 U.S. 612, 622 (1964); *Cote v. Wadel*, 796 F.2d 981, 985 (7th Cir. 1986); *see Norwood v. Kirkpatrick*, 349 U.S. 29, 32 (1955).

The Court finds that a transfer of this action is warranted under § 1404(a). The Court **TRANSFERS** this case to the United States District Court for the Eastern District of North

Carolina.

IT IS SO ORDERED.
DATED: May 13, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE